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I. His Speech upon his being Sworn *Mayor* of *Chester*, in *November*, 1691.

II. His Speech to the Grand-Jury at *Chester*, *April* 13. 1692.

III. His Charge to the Grand-Jury at the Quarter-Sessions held for the County of *Chester*, on the 11th. of *Octob.* 1692

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BIBLIOTHECA BODLEIANA

THE

SPEECH

Of the RIGHT HONOURABLE

HENRY

EARL of *Warrington*;

Upon his being Sworn

MAYOR of Cheſter,

In *NOVEMBER*, 1691.

I AM much oblig'd to you, for the reſpect you have done me, by putting this Truſt into my hands; and your Kindneſs is the greater, becauſe you did it without *any Sollicitation* on my part; for I did ſo little expect it, that I was extreamly Surpriz'd when I read my Predeceſſor's Letter, which gave me to underſtand, That your *Choice* of a *Mayor* for the Year enſuing was fallen upon me; it is a *great Truſt* that you repoſe in me, and I hope I ſhall not Diſappoint you in the *Confidence* you have of me.

It is with ſome Inconvenience to my *private Affairs*, That I have taken this Journey; yet had my particular Occaſions ſuffer'd *more*, I ſhould have made no difficulty

in poſtponing them, when an opportunity offers it ſelf of doing *any Service* to the Publick, or to this *Corporation*; neither could I have been excuſable, if I ſhould have put ſo *great* a *ſlight* upon the Reſpect and good Will of my Friends, as to refuſe to Serve them in this, or any other Capacity.

By the *Oath* I have now taken, I have oblig'd my ſelf *before God and the World*, to that, to which my own Inclinations did zealouſly diſpoſe me; for it was with *extream Grief*, when in the late Reigns I beheld your Liberties and Franchiſes were *Raviſh'd* from you: What in me lies, ſhall not be wanting to *repair thoſe Breaches* that have been made, and to prevent the like *Invaſions* for the future.

I hope during *this King's* Life we are out of ſuch Dangers, ſince the offering up of *Charters* can be no *acceptable Sacrifice* to him, becauſe he came to the Crown upon **Engliſh Principles**, and Governing *by ſuch Politicks, is that alone which can make him Safe and Glorious.* But you may remember, that lately we had Two Kings, to whom nothing was ſo acceptable, as the ſubmitting our Religion and Liberties to their Arbitrary Wills and Pleaſure; and this Nation was then ſo unfortunate, as to have a Party in it, tho much the leaſt, who were induſtrious to comply with thoſe two Kings, in their wicked Deſires.

The firſt ſtep made by that Party was in their *fulſome Addreſſes*, where they deliver'd up themſelves, and all they had, to be diſpoſed of at the King's Pleaſure: Making *no other claim* to their Liberties and Civil Rights, but as *Conceſſions from the Crown*; telling the King withal, That every one of his Commands was *Stampt* with *God's Authority*; and a great deal of ſuch nauſeous Stuff, much fitter to be offer'd to ſome *Eaſtern* Monarch, or the *French* King, than to a King of *England* governing by the Laws of the Realm.

Well

Well had it been, if their Falſhood and Flattery had gone no further; but contrary to their Oath, and the Truſt repoſed in them, they proceeded to the Surrendring of Charters; a thing ſo contrary to *Juſtice*, and *inconſiſtent* with the *Fundamentals* of the Government of *England*, that if ſuch Surrenders can be juſtified, I don't ſee what can be *Diſhoneſt* or *Unlawful*: yet ſuch Proceedings became a *Teſt* of Loyalty, by which they thought to recommend themſelves to the King's Favour, whilſt thoſe who *diſſented* in this point were accounted *diſaffected* to the Government, and were loaded with all manner of Reproaches: But Gentlemen, till then it was never accounted *Liberality*, to be generous at the *expence* of others: nor the uſual way of recommending a man's Fidelity, by *betraying* of a *Truſt*; nor to bring a man's *word* into *credit* by making *light of an Oath*.

Theſe things I mention, not that I deſire to keep up *Diviſions* amongſt us, or to diſcourage any that are *ſorry* for what they have done, and are willing to come into the *Intereſt* of this Government; for I wiſh from my Soul that we were all of a mind; but I mention theſe things, to teſtify my diſlike of *ſuch Proceedings*, and to ſhew how much I deſire to prevent the like for the future. For I am ſure no man can be *hearty* for this Government, who does not *abhor* ſuch Proceedings as theſe were. And ſaying this, it puts me in mind of an Obſervation which I have made for ſome time, which is this, That generally thoſe people who *refuſe* to take the *Oaths* to this King and Queen, are ſuch as were active in, or conſenting to the *ſurrendring of Charters*, which ſhews they are men of extraordinary Conſciences, who think it *unlawful* to Swear to this Government, and yet could think it not only *lawful*, but an Act of *unſhaken Loyalty*, to break their *Oaths*, and *betray their Truſt*.

If there be any ſuch in this Corporation, I hope they are but few, and will ſerve as *Examples*, not of *Imitation*, but

Admoni-

Admonition, to put others in mind of their *Oaths* and *Duty*.

Gentlemen, Let us preſerve our *Liberties* and *Freedoms*; he is the *moſt Loyal Subject that walks the neareſt to the Laws*; he that preſerves his Freedom and Birth-right, is better able to *ſerve* his *King* and *Countrey*, than he that has *parted* with them. Had not our *Forefathers* obſerved this Rule, we had had *no Liberties* to boaſt of; and ſurely we are bound to leave our *Poſterities* in the ſame Freedoms which we received from our *Forefathers*. Therefore let us bleſs God and the King for our *Wonderful Deliverance*; and let not the *Averſion* of ſome to this *Government*, make us remiſs in our Duty.

But, *Gentlemen*, in ſaying this, I don't deſign to perſuade any man to *Rigorous Courſes*, or to ſtretch the Law beyond its *Fair* and *Natural Conſtruction*, to ſerve a turn; I will never *practiſe* it my ſelf, nor adviſe any other to it; I *utterly diſliked* ſuch Proceedings in the Two late Reigns, and I am not now *better reconciled* to them. Let every man have Right according as the Merits of his Cauſe ſhall deſerve: Let no man's Complexion or Opinion weigh at all. This *Impartial Method* will beſt ſupport the Honour and Peace of the City: Such *fair Treatment* will convince many of the *Reaſonableneſs* and *Juſtice* of this *Government*; at leaſt it will in a great meaſure *ſtop the mouths of Gainſayers*, and cannot fail to meet with good effect. What I have more to tell you, is, That I ſhall ever pray for, and endeavour the Proſperity of this City.

F I N I S.

The Lord *DELAMERE's*

SPEECH

TO THE

Grand Jury at CHESTER,

APRIL 13. 1692.

Admonition, to put others in mind of their *Oaths* and *Duty*.

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FINIS.

The Lord *DELAMERE's*

SPEECH

TO THE

Grand Jury at CHESTER,

APRIL 13. 1692.

THE

SPEECH

OF THE

RIGHT HONOURABLE

HENRY

Earl of WARRINGTON,

Lord Delamere,

TO THE

Grand Jury at Chester,

APRIL 13. 1692.

BODLEIANA PHILOSOPHICA

LONDON;

Printed for *Richard Baldwin*, near the *Oxford-Arms* in *Warwick-Lane*. 1692.

THE SPEECH OF THE RIGHT HONOURABLE HENRY Earl of WARRINGTON, &c.

Gentlemen of the Jury,

THE Preſervation of the Publick Peace, is the Occaſion that hath called us together at this time; in which no man can be remiſs or negligent, when he conſiders, that his particular Intereſt, as well as his Duty, doth indiſpenſably oblige him to do what in him lies to ſupport it. In order to this, that which is now more eſpecially expected from us at this time, is,

1. To Enquire into the Neglects of those in whom the Law hath reposed any Trust: And,

2. To discover those who have broken or violated the Laws; that such Criminals may be brought to condign Punishment.

And since the Execution of the Laws is our proper business; and that the Laws should have their course is absolutely necessary to the Being of the Government; therefore it may not be impertinent (as I conceive) at this time, to say something of the Nature of Government, and particularly of our own Constitution; or rather, it seems necessary to take all occasions to explain it, considering what variety of Opinions there are amongst us, of that which is, or ought to be, the Supreme Authority or Power in *England*.

Many Wise and Learned men have written of the Nature of Government, and given excellent Definitions of it; but of all others, the Learned *Aquinas* seems to me to have done it in the fewest and plainest words; says he, 'It 'is a rational Ordinance for the Advancing of 'the Publick Good. And next to him is *Plato*, whose

whose words are these; 'Government, or Law, 'says he, is to Preserve the huge and indigest-'ed Lump of a Multitude; and to bring all 'Disorder into Proportion, so as to become a 'Harmony.

Several others have spoken to the same purpose, which I omit, because I will be as little tedious as I can: But two things are observable from hence.

1. That Order and Peace is, or ought to be, the end of every Government.

2. That in every Government there is some particular Principle that runs through the whole Scheme of that Constitution; and as that Principle is followed or neglected, so accordingly it goes well or ill with the Publick; that is, When those who are intrusted with the Executive Power, do pursue that Principle, every thing moves regularly, and the Government is firm and stable; but when they steer by any other Measures, the State doth unavoidaby fall into Disorders and Convulsions: So that whoever he be that is placed at the Head of the Government, if he desires to have the Hearts and Prayers of his People whilst he lives, and that After-Ages shall bless his Memory, it is necessary,

1. That

1. That, in general, he resolve to Govern well: And

2. Throughly and rightly to appriſe himſelf of that Principle that is the Soul of the Government; or at leaſt that he be adviſed by ſuch as are moſt likely to know it, and will give him faithful Counſel; otherwiſe he will be like a Traveller, that in the Night miſſes his way upon ſome large Plain, wandring he knows not whither, and is more like to meet with ſome diſaſter, than to find his way.

Having ſaid this, it is natural for you to expect that I ſhould tell you, what that Principle is, which is the life and foundation of this Government.

If I am not much miſtaken, and I am verily perſwaded that herein I am not, I take it to be this. 1. That every Subject of *England* hath ſo clear a Property in his Life, Goods, and Eſtate, and every thing elſe which he lawfully Poſſeſſes, that they, nor any of them, can be taken from him, nor ought he to be diſturbed in the enjoyment of them, without his voluntary Conſent, or for ſome Offence againſt the Law. 2. And in the next place, That there be not a failure of Juſtice, that is, that no man be left without Remedy, where

where his Right is concerned, and that every Criminal be Punished according to the demerits of his Offence.

I am apt to believe, that every man will think, that this is very agreeable to natural Reason, and then I do not see how it can be inconsistent with the Prerogative of the Crown; though I know that not very long since, and I fear yet, there are some who carry the Prerogative much higher than it ought, in placing it above the Law: But nothing, save the iniquity of the times, and the depravity of such mens Manners, could support or give countenance to so senseless a thought, for they are very ignorant of the nature of Prerogative, if they think it is a Power to do hurt, and not to do good. Certainly the King's Prerogative is to help and relieve the People, where the edge of the Law is too sharp and keen; and not a Power by which he may Oppress and Destroy his Subjects. Men are to be Governed by a Power that is guided by Reason, unless we can suppose that they have no more understanding, and are of no greater value, than the Beasts that perish.

It was laid by one who was a very competent Judge in the case, as I remember, it was Sir *John Fortescue*, That it is a greater Power in a Prince to be restrained by Law from Oppressing, than to have an Absolute Regal Power. And says another, The Way of Governing must be both Right and Clear, as well as is the End; and how this can be expected, when a King is guided by no other Rule, than that of his unbounded Will and Pleasure, I do not see, any more than a man can depend upon the Weather.

Do not all examples of it that ever were, prove, that Absolute Power and Oppression are inseparable, and as naturally proceed the one from the other, as the Effect doth from the Cause? 'Tis a Riddle to me, how that Prince can be called *God's Ordinance*, who assumes a Power above what the Law hath invested him with, and useth it to the Grieving and Oppressing of his Subjects: May not the Plague, Famine, or Sword, as well be called *God's Ordinance*, since one, no less than the other, is sent by him for the Punishment of that People whom he so visits?

We

We may reasonably suppose, that Order and Peace are much rather the end of Government, than Oppression and Violence, because *God is a God of order*; and when he sent the *greatest Blessing* upon Earth, it was *Peace*; and though God was often very wroth with the Kings of *Israel* and *Judah* for their Idolatries, yet the Innocent Blood they shed, and the Violence and Oppression which they committed, provoked him more highly, and with his severest Judgments he always testified his Displeasure against it.

I could run out into a large Discourse upon this Subject, but I will stop here, because I am perswaded, that what I have already said, is sufficient to convince any one, who is unprejudiced, That an *Absolute Power* is so far from being the *Right* of the King of *England*, that the exercise of such a Power is *Unlawful* in any King.

I know very well, that in the *late Reigns* this Doctrine would not have been endured; to have said less than this, would have cost a man his Head: For whoever would not then

comply with *Arbitrary Power*, was called a *Factious man*, and an *Opposer* of the Government; but is it not nonsense, or very near a-kin to it, to call that Seditious, that is for bringing things into Order, and for maintaining the Laws and supporting the Government? Arbitrary desires never did any King good, but have ruined many. It shook King *Charles* the *Second's* Throne, and tumbled down his next Successor; and though such Kings are left without excuse when Ruined; yet I may say, they are not only in the fault, for their overthrow is in a great measure occasioned by those who Preach up, and advise the King to Arbitrary Power.

Did not other People cocker up, and cherish *Arbitrary Notions* in Kings minds, though such Conceptions might sometimes get into their heads, yet they would never fructifie, nor come to perfection, if they were not cultivated by *Parasites*, who make their Court that way, in hopes to raise themselves, tho with the hazard of their Master's Crown: As it befel the late King *James*, whose Male-Administration rendered him unmeet to sway the Scepter: And I am very well satisfied that the *Judgment* upon him

was *juſt*; for unleſs a People are decreed to be miſerable, (which God Almighty will never do, except thereto very highly provoked by their Sins;) certainly he will never ſo tye up their hands, that they ſhall not be allowed to uſe them, when they have no other way to help themſelves.

Several Artifices were made uſe of in the *Two late* Reigns, for the introducing *Arbitrary Power* and *Popery*; one of which was to inſinuate into the minds of the People, that the *Succeſſion* of the Crown was the *Chief Pillar* of the Government; and that the breaking into it upon any pretence whatſoever, was no leſs than a *Diſſolution* of the *whole Conſtitution*, and nothing but Diſorder and Confuſion could enſue.

This Doctrine was boldly then Preached up, and prevailed with many, and obtained no leſs than if the Crown had been ſetled in that Family by an Ordinance or Decree dropt down from Heaven, and that every one of that Line or Race had been diſtinguiſhed from the reſt of Mankind, by more than ordinary virtues and endowments of Mind and Body. But we know not of any ſuch *Divine Revelation*;

and

and happy had it been for this Nation, if that Family had been ſo ſignal for its Juſtice and its Piety; we might then have prayed, That there might not want one of them to ſit upon this Throne to all Ages. How much this Nation is obliged to that Family, we very well remember; for the Wounds they gave us, are not yet healed.

Election was certainly the *Original* of *Succeſſion*; for as the living more ſafely, and with the freer Enjoyment of their Goods, was the Original Cauſe that people aſſociated themſelves into a Nation or Kingdom; ſo for the better attaining that End, they did ſet over themſelves the beſt and wiſeſt of their brethren to be their Rulers and Governours; and this Adminiſtration was truſted in one or more hands, according to the Temper and Diſpoſition of the People; in which Authority they continued either for their lives, or for one year, or for ſome other ſtated Period of time.

Where the Government was under a King, he uſually held it for life; and then upon his Deceaſe the people proceeded to a *New Election*, till

till at last it fell into the hands of some very excellent Person; who having more than ordinarily deserved of his Countrey, the people, as well in Gratitude to him, as believing they could not expect a better Choice, than in the Branches that would grow out of so excellent a Stock, entailed that Dignity upon him and his Posterity. And this seems to be the most Natural and Lawful Rise of Succession.

I do not deny, but some Successions have arisen from Force, but that was never lasting; for it could not subsist, or seem Lawful, any longer than there was a Force to support it.

Now when Princes come to the Crown by the first way of Succession; I mean, by the *Consent* and *Approbation* of the *People*, does not that plainly imply, That they ought to use that Power for the Good and Advantage of their Subjects, and not to their hurt; and enjoy the Crown only upon that condition? No man would ever suffer a Monster to inherit his Estate; and Kings are no more exempted from the Accidents of Human Nature, than their meanest Subjects; and it is every days practice in private

vate Families, to exclude those that will waste their Estates, and ruin the Family; and if the reason will there hold good, then it is so much the stronger in the Descent of the Crown, by how much the good of the whole Kingdom is to be preferred to that of one Family.

Nor is *Succession* so very Ancient in *England*, as some people may apprehend: Till the time of *William* the First, commonly, though falsly called the Conqueror, it was look'd upon as a very precarious Title; the next in Succession could make but little reckoning on the Crown, further than his good Inclinations and Sufficiencies to sway the Scepter, did recommend him to the Affections of the People. It being then very common, not only to break into the Succession, but even to set aside all that Family and Line, whenever it was known that the Publick might suffer by their being at the Head of the Government; the Publick Good being the only Rule and Consideration that governed that Point.

William the *First* declared upon his Death-bed (and that is a time when men do seldom prevaricate), That he did not possess the Crown by an Hereditary Right. *William* the *Second* must be allowed by all people to come in by *Election*, because *Robert*, his Elder Brother, was alive, and survived him. Next to him was *Henry* the *First*, who also came in by *Election*, because his Eldest Brother *Robert* was yet alive; and this *Henry* in his Charter acknowledged that he owed his Crown to the Mercy of God, and the Common Council of the Realm. King *Stephen*, *Henry* the *Second*, *Richard* the *First*, and King *John*, all came in by *Election*; so that till *Henry* the *Third*, there is scarce to be found any President of *Succession*; and since his Reign, the Succession hath been broken into several times, and the Crown shifted from one Family to another *by Act of Parliament*; and being so transferred by that Authority, it is the greatest proof that can be, that *Succession* is a very feeble *Title*, without something else to *support it*, and I think I may say, Defective.

For, says one of great Authority, never did any take pains to obtain an *Act of Parliament*, to settle his Inheritance on his Heirs, except he were an *Alien*, or *Illegitimate*; and therefore considering, that by vertue of an *Entail* of the Crown by Act of Parliament in *Henry* the *Seventh's* time it is, that the *Four last Kings* have swayed this Scepter, I could never understand that Divine Right that was by some stampt upon the Title to the Crown, or that the Succession was preferable to the Publick Good.

I have endeavoured to explain this Point the more, by reason that some *object* against the Sufficiency of this King's Title to the Crown, because the Succession was broke through, to let him into the Throne; as if nothing could give a King a good Title to the Crown, but Succession. For my part, I never saw any reason to be of that Opinion; and if there be nothing but the *Interruption* of the Succession to object to this King's Right, if he

he continue to govern according to the Principle upon which the Crown was given him, and according to the good and laudable Customs of the Realm, I think every man that wishes well to the Interest of his Countrey, ought to bless God for this *Revolution.*

In my poor opinion, I do not apprehend, that a King that comes to the Crown by *Election*, should think worse of his Title, than if he had come in by *Succession*, but rather the more securely; because the People are under a more immediate Obligation to stand by, and support the King they have Elected, than any other that takes the Crown by Succession; nor that the people should suspect that they hold their Properties and Rights more precariously under a King that is *Elective*, than under one that claims the Crown by *Succession*, but rather the contrary; because it more highly imports him, as well in point of Gratitude, as in that of Policy, to preserve the good opinion of the

people, by Governing well, than if his Title was by Succeſſion; for I am far from believing that a King who comes in by Election, may make more bold with the Laws, than he that claims under any other Title; or that his Right to the Crown continues any longer, than by his Adminiſtration it doth appear that his Intereſt is the ſame with that of the Nation.

The next deceit by which the Nation was to be *gull'd* into *Popery* and *Slavery*, was by fomenting *Diviſions* amongſt *Proteſtants*, and eſpecially about the Terms of Communion, making them ſo ſtrict and narrow, as to exclude the greateſt part of the Proteſtants in *England*, and *Nine parts in Ten*, of the reſt in the world.

That this was not to promote God's Glory, and the Salvation of mens Souls, but to ſerve ſome new Deſign, is clear to me from ſeveral Reaſons.

1. Be-

First, Becauſe the Laws againſt *Diſſenters* were ſtretched and executed beyond their genuine and natural Intent or Conſtruction: Where fair Play is intended, ſuch Tricks are altogether needleſs; but daily experience proves, that when they are made uſe of, ſome other thing is deſigned, than what is pretended. True Religion needs no ſuch methods to ſupport it, the nature of which is Peace and Charity; and beſides, ſuch forced Conſtructions, being nothing leſs than *ſummum Jus*, are abhorred by our Laws, and are looked upon no leſs than *ſumma Injuria*, the higheſt Injuſtice.

Secondly, The Second Reaſon for my Opinion is, becauſe that ſeveral Laws were put in execution againſt the *Diſſenters*, which were plainly and directly made for other purpoſes; by which the *Law it ſelf ſuffered Violence*; and ſo it became evident to every man that had a mind

to

to ſee, that ſome foul Deſign, and not the *Church*, was at the bottom of the buſineſs.

Thirdly, Another Reaſon is this, Becauſe more Diligence and Care was employed to Puniſh People for *Nonconformity*, than to Reform their Lives and Manners: For if a man were never ſo openly Wicked and Debauched, and very ſcarce, if ever, ſaw the inſide of a Church, yet if he could talk loud, and ſwagger bravely for the *Church*, and ſtorm againſt, and pull the *Diſſenters* to pieces, he was cry'd up by all means, for a good Son of the Church, an honeſt man, and truly affected to the Government: Whilſt thoſe who could not come up to all the Ceremonies enjoined in the *Rubrick*, though their lives in all other reſpects were upright, and their converſations unblameable, yet were called Villains and Rogues, and Enemies to the Government; as if the outſide and Ceremonious part of Religion was

was more to be valued, than the ſubſtance and eſſence of it: Which puts me in mind of a paſſage I have met with in a Play, which is worthy your hearing, if I do not ſpoil it in the telling; it is in the Play called Sir COURTLY NICE, betwixt two Perſons, one is called Mr. *Hothead*, a very Idle Profligate Fellow, but who yet ſets up for a great Son of the Church, and cannot ſpeak or think with patience of any thing that inclines to Moderation; the other Perſon is called Mr. *Teſtimony*, as Rigid and Ridiculouſly ſqueamiſh on the other hand in his way; theſe Two falling into a great Diſpute about their Opinions, *Hot-head* out of his great Zeal to the Church, treats Mr. *Teſtimony* with very ſcurrilous Language, and bitter Invectives againſt him and all Diſſenters; as that they were the plague of the State, and that he hoped to ſee them all Hang'd, and declares the mighty concern he hath for the Church: To which *Teſtimony* replies, pray,

pray, Good Mr. *Hot-head*, forbear your indecent language, you are too rude in your Expreſſions; what need you trouble your ſelf ſo much about the Church, ſeeing you your ſelf never go to Church? To which *Hot-head* in great fury preſently makes anſwer, with a horrid Oath, What though I do not go to Church, yet I am for the Church? This, Gentlemen, I believe you, and every man elſe, can eaſily apply.

I could never yet meet with any precept in all the Goſpel, that doth juſtifie ſuch proceedings as I have mentioned; but there are ſeveral that expreſly condemn it. To me it ſeems altogether inconſiſtent with that Charity which is expected to be found in all thoſe that hope to enter into Heaven; and it ſeems to be little leſs than *Teaching for Doctrines the Traditions of men*; and to add to God's Word, which is prohibited under no leſs a penalty, than that of Damnation.

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I am far from being againſt Order and Decency to be obſerved in the Church, yet under that pretence we are not to forget the Rule of Charity: And I cannot ſee wherefore *thoſe ſhould be terms of Communion, that are not terms of Salvation.* I was always of Opinion, That it would never go well with *England*, till every man might Worſhip God in his own way; for nothing can be more unreaſonable than to expect, that a man ſhould believe otherwiſe than according to the conviction that is upon him, or that one man's Opinion ſhould be a Rule or Guide to another man's Conſcience.

And therefore I cannot but wonder at thoſe who take offence at the *late Act* of *Indulgence*; which tends ſo much to our Peace, by quieting the Minds of the People as to their Religion, which hath ever been the handle to our inteſtine Troubles; the *Incendiaries* of the State having ever made uſe of it as the beſt pretence to embroyl the Nation: And therefore I, for my part, do think that the *Act of Indulgence* was a *neceſſary*

and *Pious Work*, and cannot imagine why any man ſhould think that to be a diſſervice to the Church, that tends to the Peace of the Nation. They who do ſo, I muſt believe, are not much concerned in the Cauſe of the Chureh and their Country, and care not what is uppermoſt, provided they can but make fair Weather for themſelves.

Therefore, Gentlemen, if any ſpeak to the diſadvantage of the *Act of Indulgence*, you ought to preſent them as diſaffected to the Government, and ſowers of the ſeeds of Diviſion in the State.

But I deſire to be rightly underſtood; I do not ſay this to diſſwade any man from coming to the Church; For I go conſtantly thither my ſelf, and I wiſh every body could do it as eaſily as I do; and I wonder 'tis otherwiſe, for I never yet heard any good reaſon for the practiſing the contrary. Yet I think unleſs a man be ſatisfied in that way of Worſhip, it is better to keep away than to come; for otherwiſe it is to mock, and not to Serve God; and

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on the other hand, it is no leſs a mocking of God, when a man from an over-aſſurance of the *Gift of Prayer*, ſhall adventure to Pray in Publick, without having before hand well digeſted his Matter and Words; and therefore may happen to let fall crude and nauti-ous Expreſſions, ſuch as would be ridi-culous in private Converſation; for I am far from believing, that *Nonſence* can be the effect of *Fervency*, but ra-ther of *Affectation*, or ſomething that is very reproveable.

And here it will not be amiſs, or improper, to take notice of thoſe Per-ſons who go to no Church at all, but ſpend the *Lords day*, commonly called *Sun-day*, (as the Statute hath it) in an Ale-houſe, or otherwiſe idle it away very unprofitably; againſt ſuch as theſe, was that Law of Twelve-Pence a Sunday intended; and were it duly put in Execution, a great deal of that diſho-nour that is done to God by ſuch Profanati-on, would be prevented, and the Poor would be relieved with leſs charge to their reſpect-

ive Pariſhes. I wonder the Petty Conſtables are not more careful to make true Preſentments at every Petty Seſſions, of thoſe who herein offend; the Glory of God, and their own Intereſt being ſo nearly, I may ſay, ſo immediately concerned.

The next thing I would recommend to you is, As far as in you lies, to ſuppreſs that horrible Sin of cuſtomary Swearing, whereby the Tremendous Name of God is every day Blaſphemed.

It is too true, that ſcarce any man when Provoked, or in Paſſion, has guard enough over himſelf to prevent his taking the Holy Name of God into his Mouth; and if any of us fall into that ſad misfortune, we ought ſolemnly to beg forgiveneſs of it: But yet that whereby God's Honour ſuffers moſt, is cuſtomary Swearing; when men do not think they expreſs themſelves handſomely without an horrible Oath, or more, to fringe off their Sentences. It is ſuch a daring familiarity with God Almighty, as no man would allow to his beſt Friends.

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I believe there is not any of you, Gentlemen, but would be very angry to have your own Names uſed upon every ſlight and trivial occaſion; and if ſo, I will not imagine that you will be leſs concerned for God's Honour, than for your own.

It is a ſhamefnl thing to ſee how very much the High ways are generally neglected, and out of Repair; the fault of which does moſtly lye at the door of the Overſeers, whoſe chiefeſt care in them now-a-days, is how to ſhuffle off the matter for their time, being very little concerned for what comes after them; and by this means they bring at laſt a great burthen upon their Townſhips, which would have been prevented by a ſmall charge if but taken in time; and ſo the Townſhip ſuffers through their neglect.

There are very good Laws againſt Vagabonds, but the Execution of them is ſhamefully neglected; and it is ſtrange it ſhould be ſo, conſidering what Incouragement the Law gives for the apprehending of ſuch idle People; For who ever brings any of thoſe Wanderers before a Juſtice of Peace?

The Towns through which they last past Unpuniſhed, is to Pay Two Shillings a piece to him that apprehended them. Though this Reward carry no weight with it, yet the great Miſchief that thoſe ſort of People bring upon the Publick, ſhould make every body vigilant.

It is an incredible Sum that they coſt the Nation in a year; and conſidering how many Townſhips and Pariſhes are oppreſſed, and almoſt ruined by the Accidents that are hereby brought upon them, it is wonderful that People ſhould rather chuſe to Forſwear themſelves, than do their Duty; but ſo it is in this Caſe.

Were theſe Wanderers duly Puniſhed, it would reform many of them, and diſcourage others from following ſo bad an example; whereas the great remiſneſs of Conſtables and other Officers in this point, is a great temptation to many who otherwiſe would think of ſome more Lawful, as well as Profitable, ways of living: A neglect and ſlowneſs to Puniſh, increaſes the number of Offenders.

Theſe things, Gentlemen, I in particular recommend to you, not as all your buſineſs, but yet as things that cry aloud for redreſs; for there does fall within your Enquiry, High-Treaſons, Petty-Treaſons, Felonies of all ſorts, whether againſt the Perſon, Poſſeſſion, or Goods of a man: Riots, Routs, and unlawful Aſſemblies, and every thing that is an Offence againſt the Publick Peace; in which I am not more particular, becauſe I fear I have held you too long already; and therefore I will trouble you no farther, but pray God to direct you in your Buſineſs.

F I N I S.

Books Printed for *R. Baldwin.*

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A Sermon preached before the General and Officers, in the King's Chappel at *Portsmouth*, on *Sunday*, *July* 24. 1692 Being the day before they Embarqu'd for the Descent upon *France*. By *William Gallaway*, A.M. Chaplain to Their Majesties Sea-Train of Artillery.

THE Lord *DE LA MER E's* CHARGE TO THE GRAND JURY OF CHESTER.

THE

Lord DELAMERE's

CHARGE

TO THE

GRAND JURY

OF THE

CHESTER

THE CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY

AT THE

QUARTER SESSIONS

Held for the

County of Chester,

On the 11*th* of *October*, 1692.

BODLEIANA BIBLIOTHECA

LONDON:

Printed for *Richard Baldwin* near the *Oxford-Arms* in *Warwick-Lane*. 1693.

THE

CHARGE

Of the Right Honorable

HENRY

Lord Mayor, &c.

TO THE

GRAND JURY

OF THE

QUARTER SESSIONS

Held for the

County of Middlesex,

On the 11th of October, 1692.

LONDON:

Printed for Richard Baldwin near the Oxford-Arms in Warwick-Lane. 1692.

THE CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY, &c.

GENTLEMEN,

PEACE in a Nation is like Health in a Natural Body, whose value is not sufficiently known, but by the want of it; and herein God Almighty is wonderfully gracious to this Land, not only in continuing to us the Blessing of Peace, but in teaching us the worth of

of it, by letting us ſee the Nations round about us in War, and groaning under all the miſerable Effects of it, whilſt it is kept at a diſtance from Us, and we are only at ſome Expence which is unavoidable, all Circumſtances conſidered, unleſs we will ſubmit to that Monſter the *French* King. And indeed God hath done ſo many and great things for us, that nothing is wanting to compleat our Happineſs, but our ſelves.

Of all the Mercies this Nation hath lately received, I think our Deliverance from King *James* was none of the leaſt, if it be a Mercy to be delivered from Popery and Slavery.

That we were in great danger thereof, I think was very evident from what we had ſuffered, and what King *James* apparently further deſigned to have done, had he been let alone a little longer; for his Adminiſtration was become ſo exorbitant, that Men of all perſuaſions (many of the Papiſts not excepted) did think his Yoke intolerable, and that it was highly juſt to be relieved againſt his Oppreſſions; for when the Prince of *Orange* landed, ſcarce any Man appeared for King *James*; nay, a great many of his Army deſerted him; which coldneſs and neglect could not probably

bly proceed from any thing ſo much as from the ill opinion they had of his Cauſe.

Now if any that were then ſo indifferent, and paſſive, have lately conceived a better Opinion of him, it may well be ſuſpected that a particular Picque, or ſome Siniſter Byas guided their motion at that time; and if ſo, it's no matter what ſide they are on; for thoſe who are governed in ſuch caſes by any thing but a publick Principle, are eaſily turned about by every breath of Air: Nor can I imagine what can give any man a better opinion of King *James* now, than he had of him before he went into *France*, the only place, as he ſays, he could retire to with ſafety; conſidering how improbable it is, that any Inſtructions which that Tyrant may give him, will make him leſs inclined to Popery and Arbitrary Power.

Before I come to the Particulars of your Enquiry, give me leave to ſay ſomething of a great Deliverance which God wrought for us this Year.

To talk of Plots and Conſpiracies againſt the Government, may be rather to tell ſome people News, than that which they do believe; becauſe we have already heard of many Diſcoveries of Plots, but none that have been proſe-

proſecuted; and for that reaſon men may be inclined to think they were rather Fictitious than real Plots againſt the Government.

Plots ſometimes are not proſecuted, either becauſe of the great indulgence of the Government, being deſirous to gain people rather by mercy, than by being too extream to mark what is done amiſs; or, it may be, becauſe the Government hath a more than ordinary tenderneſs for that ſort of People; or, it may be, becauſe ſome of the Miniſters of State are concerned in them: But whether for any of theſe Reaſons, or others, it is that we hear of no great Proſecution of thoſe Diſcoveries that have been made, I will not pretend to determine, time will beſt explain this, and other Myſteries of the like Nature.

Yet this I will adventure to ſay, That it is not ſo ſafe a Rule to meaſure Plots by, whether they be true or falſe, by the remiſneſs or forwardneſs of the Government in proſecuting of them, as to conſider how far it is the intereſt of the perſons accuſed to carry on ſuch a Deſign. And herein every man of a reaſonable underſtanding, is as capable of giving a judgment, as the Miniſters of State.

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I would not encourage any man to be over-credulous in believing of Plots; and yet there are some Conspiracies that carry their own Conviction along with them; as it will always be the interest of the Papists to bring in Popery, and of the Non-Jurors, and those who take the Oaths in a double sense, to bring in King *James*. Nor would I be the occasion of pushing on a Prosecution with too much violence; and yet to be too remiss is an Errour of the other extream, and seems to intimate, That either the Government is afraid of them, and dare not call them to account, or else that it is necessary to oblige that sort of people all it can; and when ever either of those cases fall out, it is sooner or later mischievous, if not fatal to the Government.

I suppose you have heard that King *James* intended to land here the last Spring with a *French* Force; tho this seems to be already forgot by some, yet I am verily perswaded that many people believe it, because of the notoriety of the thing: For they that doubt of it, may as well question whether there was a Gunpowder Plot; for it is as plain as a thing of that nature can be, which has not actually taken effect.

It was wonderfully prevented; firſt by the Eaſterly Winds that continued ſo long together; and next by the happy ſucceſs of our Fleet, even beyond what any man could have hoped for at that time: All things conſidered, it was wholly the work of God, and to his ever bleſſed and holy Name be the praiſe and glory of it; tho the Nation hath not yet made ſo publick an acknowledgment of it, as it uſually doth upon leſs occaſions than that was.

The defeating of that Deſign is a mercy never to be forgotten; for we do not yet know of any Deſign that was ever formed againſt this Nation, that could have been more bloody and deſtructive than that would have been.

For King *James* in his Declaration doth expreſly ſay, That his Intent is to ſpend the remainder of his Reign, as he hath always deſign'd ſince his coming to the Crown.

Theſe Words ſpeak a great deal of comfort to *England*, for they cannot mean leſs than what he hath already done.

When he took the Cuſtoms againſt Law.

Carried on Sham Plots by his countenance and bribery, to deſtroy honeſt and worthy men.

When

When he raviſh'd the Corporations of their Liberties and Franchiſes.

When he turn'd out Judges for acting according to their Conſciences, and fill'd the Benches with the Raff of the Gown.

When he avowedly ſet up Popery, and erected publick Chappels in all parts of the Kingdom.

When he placed notorious Papiſts in the Seats of Juſtice, and brought a Jeſuit into his Councils to preſide publickly there, which was more than any Popiſh Prince ever did.

When he ſate up a High Commiſſion Court.

When he kept up in time of peace a numerous Army, to the terrour of his Subjects, and allowed ſo little for their Quarters, as that it amounted to little leſs than free Quarter.

When he aſſumed a Diſpencing Power, and declared that he would be obeyed without reſerve.

Theſe and a great many other Irregularities were the product of his Reign; and it is not very probable that he is brought to a better temper by any thing that he hath ſeen or learnt from his Converſation with the *French* King; and it is as little probable that that King would have treated him as he hath done, had he diſ-

covered in King *James* any disposition to govern more mildly and reasonably for the future.

How much he is influenced to the contrary, is very evident, by designing to bring in the *French* upon us; the people of all others this Nation ought most to dread, being the old and irreconcilable Enemy of *England*. For whoever looks into History, will find that *France* hath occasioned more trouble to *England*, than all the world besides. Nay, there has scarce been any ill Design against this Nation, but *France* hath had a hand in it; as if their very Climate did necessitate them to be at enmity with us.

When any of the Kings of *England* have had a design upon the Peoples Liberties, they have entred into a Confederacy with *France*, as the People of all others most likely to serve their Purpose; and it has always gone ill with *England*, when our Kings have made an intimate Friendship with the *French* King, as we may remember by woeful experience.

Let us consider, besides, that no people under the Sun are at this day so noted for treachery and cruelty as the *French*, of which they have given such pregnant instances upon the *Protestants*.

ſtants of their own Nation, and in their New Conqueſts, as were never done by the moſt Barbarous and Uncivilized People. For after Terms agreed on, and ſubmitted to, yet without any new Provocation, or other occaſion given by thoſe poor Creatures, the *French* have fallen upon them, taken from them that little that was left, and in cold Blood Murthered them, ſparing neither Age nor Sex; and ſhall not we then think our ſelves in a comfortable Condition, when we have ſuch Task-Maſters as theſe ſet over us?

But it ſeems theſe are they by whom King *James* hopes to be reſtored to his Kingdoms; it is by theſe that he means to do his Work, and they are the Inſtruments he will imploy to make the Settlement he deſigns in *England*; for in his Declaration he plainly tells us, That if thoſe he brings over with him are not ſufficient, he has more of the ſame ſort ready at hand.

Now, tho a Reconciliation with King *James* were practicable under a Suppoſition that there could be any moral aſſurance that he would ſacredly keep his Word, and that he had more juſt and righteous Intentions then heretofore; yet to come in ſuch Company, and to bring

ſuch

ſuch a Train along with him, makes it impoſſible to all thoſe who have not abandoned all Sence of Religion and Morality, and are not reſolved to run into all the Exceſſes of Cruelty and Oppreſſion.

But that nothing might be wanting to give Succeſs to this fatal Enterprize, and make our Ruin more certain, ſeveral Perſons in *England*, I believe ſome in every County, were not only privy, but conſenting to it, and had prepared Horſes and Arms to aſſiſt the *French* at their Landing; yet of what Profeſſion or Communion they are, I forbear to name, and leave that to be explained when they are called to account; and therefore only ſhall ſay in geheral, That they who could ſo take the *French* by the Hand, may well be ſuppoſed to have renounced the Proteſtant Religion, and the Intereſt of their Country, and all Bowels of Compaſſion to their Poſterity, and are reſolved to keep pace with the *French* in the Murthers and Havock they ſhall commit; for there is no looking back, after being engaged in ſuch undertakings; the leaſt remiſneſs would render them ſuſpected, and bring them in danger to be involved in the Common Deſtruction.

After

After all this, what these Men will call themselves, I know not, for they cannot pretend to the Name of Protestants and *English* Men, what they deserve, I shall leave to the Law, which is to judge them.

What we are always to expect at their hands, when they shall have Power and Opportunity, I think without breach of Charity, I may adventure to say, is all the Mischief and Ruin that our greatest Enemies would bring upon us.

What we are to do, is to bless God for bringing the design to light before it took effect, and to do our best endeavours to detect those who are concerned in this unnatural Design, that Justice may pass upon them.

For, are not such as these more to blame then any others, who were to have a hand in this matter? Was it not more unnatural and unreasonable for them to joyn with the *French*, than for the *French* to have such a design against us? Would not their joyning in it have been the chief Inducement to bring in the *French* upon us? For such an Attempt is altogether impracticable, without holding an effectual Correspondence here, or else to surprize us, when we are together by the Ears

in

in a Civil War; so that in effect it is they that had brought all the Desolation that would have fallen upon their Native Country, if that design had but once taken effect.

He that can be consenting and assisting to the rooting out of the *Protestant* Religion, and ruin of his Country; what other thing is there that can be so bad, which such a one would refuse upon the score of Honour and Conscience?

May not a Man, without being thought severe, say, What profligate Wretches are these? What Accommodation can be made with such Persons? And what security from them can be hoped for longer, then they want opportunity to hurt us?

Is it not then the Duty of every Man that hath any concern for his Religion or Property, to do what in him lies to discover and bring these Projectors of our Ruin to Justice?

Perhaps you may not receive any clear Information, such as will legally convict any Person of being engaged in the design I have mentioned; but you may recieve such Information as will convince any reasonable Man, that they are concerned in this, or some other foul Practice against the Publick Peace.

Those

Those who have refused the Oaths to this King and Queen cannot be supposed to be altogether unconcerned for King *James*; but if any such had provided themselves with Arms, or unusual Numbers of Horses, this is what ought not to be passed over unregarded: It must be for some purpose that they had so furnished themselves, for People do not usually put themselves to that Expence, but when they have a prospect of making use of them; their refusing the Oaths is evidence sufficient that they did not design those Horses and Arms for the Service of the Government; then it will naturally follow, that it was against the Government, for there is no medium in such Preparations betwixt being for, or against the Government. He that is not with us, may in reason be suspected to be against us.

If any Persons, who have not taken the Oaths, and long before this Plot had provided themselves with Arms, yet either upon a Rumour of searching for Arms have conveyed them away, or before that Report, had dispersed them into hands that are not well affected to this Government, or else not duly qualified to keep such Arms, these may justly

be ſuſpected of having ſome ill Intentions; or wherefore ſhould they put them into the hands of other People, but with a deſign to imploy thoſe Perſons in the uſing of them, and then can any Man ſuppoſe, that it was intended for the Service of this Government?

There is a Report of a ſort of People, who for ſome Months before the time that K. *James* intended to Land here, talked very much of it, and what powerful Aſſiſtance *France* would give him for that purpoſe: If you, *Gentlemen*, ſhall be informed of any ſuch, it is your Duty to take notice of it, becauſe it is plain by what has come to light, that they did not ſpeak without book; they could not make ſuch Diſcourſes for want of having ſomething to ſay, but to incourage People to come into it, and to promote the deſign. For Men do not purpoſely bring on ſuch Diſcourſes as will render them ſuſpected, and bring them under the diſpleaſure of the Government, but out of a proſpect of ſome advantage.

I do alſo hear that ſeveral, who had formerly taken the Oaths to this King and Queen, did about the time that this Deſign ſhould

have

have been put in Execution, refuse the Oaths, being upon occasion tendered to them and others, that at that time did wish they had not taken them.

If, *Gentlemen*, you shall be informed of any such, you ought not to pass it over in silence; for by their refusing the Oaths at such a time, they justly rendered themselves suspected, that they were at least privy to that intended Invasion of the *French*, it being a vain Excuse to pretend they did it out of Conscience; for if they thought it lawful heretofore to take the Oaths, how comes it to be less lawful now? But if some prudential Consideration, and not Conscience, prevailed with them at first to take the Oaths, there is then very little reason to imagine, that there was more of Conscience in refusing the Oaths at that, or any other time; but rather that they were making fair weather against some expected Revolution, for otherwise, why of all others was that time pick'd out to discover an Aversion to this Government?

Gentlemen, If any endeavour to lessen the Victory we had at Sea this *Summer*, and to cry up the Naval Force of *France*, those do bring

themſelves under the Suſpicion of being no ill Wiſhers to the late deſign of the *French*; for wherefore ſhould any deſire to make our Succeſs to appear leſs than it is, if he were not ſorry that We had got the better? And wherefore ſhould he extol the *French* Power at Sea, if his good Wiſhes did not attend their deſigns, or elſe did thereby hope to keep up the hearts of that *Jacobite*, *Frenchified* Party, that they ſhould not deſpair, but expect ſome favourable Opportunity to put their deſign in Execution? For they muſt intend either good or bad to us thereby; and which was moſt likely, I leave to every Man to judge.

I mention theſe things, not that I am of Opinion, That any or all of them put together, without ſome other direct proof, is evidence ſufficient to convict a Man upon a Tryal; for God forbid that any Man ſhould be condemned but upon a fair Tryal and clear Evidence.

But I take notice of theſe things as they do render Perſons juſtly ſuſpected to be privy to, or approving of the late Deſign againſt this Nation, which as every honeſt Man ought to abhor, ſo it is his duty to keep a watchful

Eye

eye over them; because I am far from being of an Opinion that they have given this Design over as a lost Game, by reason that it was laid so broad and deep, and so many are concerned in it, that the success of it is of the last consequence to them, their only safety being placed in it; And besides, because of the encouragement they do receive from the unfortunate Divisions that are amongst us.

And there is yet another thing which I apprehend, is no small cause of encouragement to them, and that is the little haste made by the Government to call them to account.

Of all the Ills of the two last Reigns, in my opinion nothing was so treacherous and devilish as that of making Parties amongst us, that we might become our own destroyers; for as it was the surest method to effect our destruction; so if any thing should interpose to prevent our ruin, yet nothing is more difficult than to make up such a breach; and therefore the best that could be hoped for from it, was to entail upon this Nation heart-burnings, and all the fatal consequences of it.

I have

I have the charity to hope that many who helped to carry on that ruinous design, did it more out of ignorance, than out of any ill intention: I believe the *Arbitrary Sermons* being delivered as the Oracles of God, might draw in a great many unwary people; others might comply out of hopes of Preferment, or fear of being harrassed by some powerful Neighbours. But as new light is sprung up, so I wish from my heart, that men would walk accordingly. If any man was misled in the late times, it is not his shame, but duty, as a wise and honest man, to repent of his Errour, and forsake it; for he that shall be convinced of it, and yet will persist in it, will find very few to whom his obstinacy will recommend him.

If any do think they were in the Right, when they serv'd as Bauds to the Arbitrary Lusts of the two Late Kings; I heartily pity them, for their case is desperate; yet I am perswaded that none of them would of choice have had such a power exercised upon themselves; and if so, they must grant, that what they would not have done to themselves, is not lawful for them to do, or bring upon others.

If they adhere to what they did, either out of hopes of Preferment, or fear of being crushed by those in power, they must believe that this King and Queen are resolved to go by the same Methods that were taken in the two Late Reigns, or else that nothing else will make this King and Queen safe and glorious.

Were the rest of mankind of this Opinion, this World would be a miserable place; surely mankind was born for some nobler End than so; or else one would suppose that God had made man not after his own Image, but rather that of an Ass, or something else that is beneath a Rational Creature.

For is it not ridiculous, that any thing should be more excellent and knowing than that which is to govern it? Is an infatiable desire of Power preferable to that Reason with which man was indued at his Creation? Must a man give up that to which he has a clear right both by the Laws of God and his Country, because another who is at that time guided by his passion desires to lay hold of it? What Justice can any man promise to himself, when Passion is above the Law? What signifies Law, if the *King's Will* must be the measure of our Obedience? To what purpose are Parliaments,

ments, and all those other Provisions, which our Forefathers made to preserve our Liberties, if Prerogative were in truth that Omnipotent thing, which it boasted it self to be in the late Reigns?

That man is surely out of his way, that is beside his Reason: Had men been guided by it, and nothing else, there had been no misunderstandings about Government. Reason will not mislead us, but other things will; be resolved to follow that, and you will be sure to approve your selves in the sight of God and man.

Having said this, I will now proceed to the Particulars of your Enquiry.

The first of which is, High Treasons; of which there are several sorts and Species, both at Common-Law, and by Statute-Law; but those only that are made such by some Statutes, are those that fall within your Enquiry.

To compass or imagine the Death of the King or Queen, and that declared by some Overt and plain Act, is High-Treason by the 25 *Edw.* III. but such Acts must be direct and clear, void of all Implication, or other Construction,

ſtruction, or elſe it will not make it Treaſon within this Statute; for this Statute was made to take away conſtructive Treaſons, and thereby relieved the Subjects againſt an unſpeakable evil, under which they had laboured for many years; for till then the Judges took an extravagant Liberty in ſtamping Treaſon upon almoſt any Offence that came before them, which coſt many an innocent man his Life, contrary to all Reaſon and Juſtice; ſo that this Statute was a very beneficial Law for the Subject.

To levy War againſt the King or Queen in their Realm, or to adhere to their Enemies in the Realm, or to give them comfort here, or elſewhere, is High-Treaſon by the ſame Statute.

But a Conſpiracy to levy War, is not Treaſon, unleſs the War be actually levied, though the contrary Opinion prevailed in the late Times, whereby ſeveral worthy men were murthered.

It was a very far-fetched Opinion, and could never have obtained but in that or ſome other corrupt Age, when all Law and Juſtice was given up to the Will and Pleaſure of the King: For my Lord *Coke* is expreſs in it;

That unleſs the War is actually levied, it is not Treaſon; and I remember in the Debate in the Houſe of Lords upon the Bill for reverſing my Lord *Ruſſel*'s Attainder, the Lords were unanimouſly of opinion that it was not Treaſon, and upon that ground chiefly they paſſed the Bill.

To counterfeit the Great Seal is High-Treaſon by 25 *Edw.* 3. and very good reaſon it ſhould be ſo, becauſe of the great Authority it carries along with it; it would be often attempted to be done, and thereby innumerable miſchiefs would follow, and breed a great deal of confuſion.

To counterfeit the King's Money, or to bring in falſe and counterfeit Money, knowing it to be ſuch, to make payment with it, is High-Treaſon by 25 *Edw.* III. and ſo it is to clip, file, or waſh Money, by 3 *Hen.* V. and very good reaſon it ſhould be ſo, for theſe, and every of them, is a great Offence againſt the Publick; for Mony being as it were the Sinews of the Nation, to impair or counterfeit it, is a great loſs and damage to the Publick; ſo that the Offence in ſo doing, is not becauſe it is marked with the King's Image; for the *French* Money, and the

Spaniſh

Spaniſh Coin and others are current in *England*, which have not the King's Image upon them; but the true reaſon is becauſe of the great intereſt the Publick has in it; and it would be the ſame thing if the Money had any other Stamp or Size put upon it by Publick Authority.

To kill the Chancellor, Treaſurer, or the King's Juſtices, being in their Places, doing their Offices, is High-Treaſon by 25 *Edw.* III. It is very great reaſon that they who ſerve the Publick in ſuch eminent Stations, ſhould have the publick protection; for when they faithfully and honeſtly diſcharge their ſeveral Truſts, the Publick receive great advantages by it, and therefore this Offence was made High-Treaſon.

To counterfeit the Sign-Manual, Privy-Signet, or Seal, is High-Treaſon by 1 *M.* 6. and I think it is ſo by 25 *Edw.* III. to counterfeit the Privy-Seal. And the reaſon why the Offences in theſe Caſes are made ſo capital, is, becauſe of the great detriment they bring upon the Publick.

To extol a Foreign Power is High-Treaſon by 1 *Eliz.* and very fit it ſhould be ſo; for every man will allow it is a great Offence to

ſet up any other Power in oppoſition to the Publick Authority.

For a Prieſt or a Jeſuit to come and abide within this Realm, is High-Treaſon by 27 *Eliz.* I believe a great many people have been under a very great miſtake in this matter, ſuppoſing it was upon the Score of Religion, that the Prieſts and Jeſuits were put to death; whereas it was quite otherwiſe; for it was upon a Politick account that they ſuffered, it was for an Offence againſt the Government, that they were executed: For it having been found by experience, that this ſort of Vermin by their Doctrine and Practice ſowed the Seeds of Diviſion, and thereby wrought great Diſturbances in the Nation; it was therefore thought fit by the Parliament to take this way as the moſt effectual to keep them out; for as what they did, amounted to nothing leſs than Treaſon, ſo it was highly reaſonable that the puniſhment ſhould be commenſurate to the Offence. And ſince it is become a Law of the Realm, if this ſort of people will be ſo preſumptuous as to break it, they have no body to blame but themſelves, if they ſuffer by it; for it is a very juſt and reaſonable Law.

To

To abſolve any from their Allegiance, or to be abſolved, is High Treaſon, by 3 *Jac.* 1. the Law does heighten or abate the Puniſhment, according as the Offence does more or leſs affect the Publick Peace; ſo that the more it tends to the Publick Prejudice, the greater is the Offence; and what can ſtrike more directly at the ruin and overthrow of the Nation, than to withdraw the People from their Allegiance, and to become the Deſtroyers of their Native Country? And ſince thoſe that abſolve, and thoſe that are abſolved, have thereby declared themſelves Enemies to the Nation, it is very fit the Government ſhould treat them as ſuch.

The next Offence is Petty-Treaſon; as for a Wife to kill her Husband, a Prieſt his Ordinary, a Servant his Maſter; theſe are made ſo Capital, becauſe of the Obedience and Subjection which they ought to pay, by reaſon of the Power and Authority which the Law gives the other over them.

The next Offence is Felony, and it is either againſt the Perſon, or the Goods, or Poſſeſſion.

Againſt

Againſt the Perſon of another:

To kill another with Malice prepenſed, either expreſſed or implyed, is Murther.

Deſignedly to cut out the Tongue, maim or disfigure another, is Felony without benefit of Clergy.

To Stab or Piſtol another, without a Weapon be drawn, or a Blow given by the Party that is ſlain, is alſo Felony without benefit of Clergy.

And ſo is Buggery with Man or Beaſt, a Sin that could never have entered into the thoughts of Man, till they were fallen to the loweſt degree of Depravity.

So it is to Raviſh a Woman, that is to have the Carnal Knowledge of her Body againſt her Conſent; and ſo it is to lye with a Child under Ten years old, tho with her Conſent.

So is Witchcraft; but it is an Offence very hard to prove.

So is Poyſoning, the moſt Secret and Treacherous way of Murthering, of all others; an Offence ſo abhorred by the Law, that by Statute 22 *Hen.* 8. *c.* 9. it was made Treaſon, and the Judgment was, to be boil-

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ed to Death; but it is ſince altered and made Felony, by 1° *Edward 6th. c.* 12. It is ſurely an Offence that deſerves a ſevere Puniſhment, becauſe there is no Fence againſt it: In all other Caſes a Man has ſome means of defending himſelf, but in this none.

All theſe Felonies are Death without benefit of Clergy.

Manſlaughter is when two fall out, and Fight immediately, or ſo ſoon after, as it may be ſuppoſed that that heat continued, and one of them is Slain: Here there is benefit of the Clergy, becauſe there does not appear to be any premeditated Malice.

To kill another by Accident, doing a lawful Act is Chance-medly; and if a Man is aſſaulted by another, and in his own Defence he happens to kill him, theſe the Law pardons of courſe.

Felonies againſt the Goods or Poſſeſſion of another, are ſuch as theſe, *viz.*

To Rob on the High-way; for the Law will protect the Goods and Perſons of thoſe who are upon their lawful Occaſions; and it is very reaſonable that thoſe who Travel on the Road, ſhould have ſome ſuch Guard, or elſe

elſe the Trade and Buſineſs of the Nation would be very much obſtructed, and ſuffer great damage.

To take away any thing privately from the Perſon of another; if the Puniſhment of this were not great, it would become a great Trade, for it is ſo eaſily done, and ſo hard to be prevented, that a Mans Money would be ſafer any where, than in his Pocket.

To ſteal a Horſe.

Deſignedly to burn a Stack of Hay or Corn; if it be done by Accident, it is but a Treſpaſs; but being done by Deſign, it carries ſo much Malice and Wickedneſs along with it, that it juſtly deſerves to be puniſhed with Death.

To Rob a Church.

To break into a Houſe, and take any thing thence by Night, or by Day; for this carries a double Offence along with it; for the Goods of another are not only Felonioufly taken from him, but he is alſo put in fear of his Life, where he ought to be moſt ſecure, and undiſturb'd, which the Law accounts a great Offence.

To rob any Booth in a Fair or Market; This became so common a Trade, that all other Remedies to prevent it proved ineffectual; and therefore it was made Felony without benefit of Clergy, as are the rest that I have mentioned.

The Accessories to all these and other Felonies, do fall within your Enquiry; for generally where benefit of Clergy is taken away from the Principal, the Accessories before the Fact are likewise to suffer Death; and good reason is it, that he who is partaker in the Crime, and without whose concurrence and assistance it could not have been effected, should fall into the like Condemnation.

Petty-Larceny is the stealing of a thing that is under the value of 12 *d.* though it is a small Offence, yet the frequency wherewith it is committed, requires your care to suppress it; for the truth is, there is a parcel of idle wandring People, whose whole business is to go from place to place to strip Hedges, and commit such like Offences.

There are several other Offences that are inquirable of by you, but I omit

to review them, because I believe your own Observation will help you therein. Only thus much I will observe in general, that whatever is an Offence against the Publick Peace or Plenty, falls within your Enquiry. And having said this, I will keep you no longer from your Business.

FINIS.

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The Gentleman's Journal. Or, The Monthly Miscellany. In a Letter to a Gentleman in the Country. Consisting of *News*, *History*, *Philosophy*, *Poetry*, *Musick*, *Translations*, &c. Vol. II. *June* 1693. Where are to be had Compleat Sets for the Year 1692. or Single ones, for last Year.

Bibliotheca Politica. Or, A Discourse by way of Dialogue, upon these Questions, Whether by the Ancient Laws and Constitutions of this Kingdom, as well as by the Statutes of the 13th and 14th of King *Charles* the II. all Resistance of the King, or of those commissioned by him, are expressly forbid, upon any Pretence whatsoever. And also, Whether all those who assisted his Present Majesty King *William*, either before or after the coming over, are guilty of the breach of this Law. Collected out of the most Approved Authors, both Ancient and Modern. Dialogue the Ninth. Where are also to be had the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Dialogues.

Saul at *Endor*; or the Ghost of the Marquis *de Louvois* consulted by the *French* King, concerning the present Affairs. Done out of *French*.

On *Thursday* next will be publish'd, *Nevil Pain*'s Letters.

THE
Lord *DELAMERE's*
CHARGE
TO THE
GRAND JURY
OF
CHESTER,
April 25, 1693.

ADVERTISEMENT.

THE Three following Speeches made by the Right Honourable *Henry* (Late) Earl of *Warrington*; Viz.

I. His SPEECH upon his being Sworn Mayor of *Cheſter* in *November*, 1691.

II. His SPEECH to the Grand Jury at *Cheſter*, *April* 13, 1692.

III. His CHARGE to the Grand Jury at the Quarter Seſſions, held for the County of *Cheſter* on the 11*th* of *October*, 1692.

Are Sold by *Richard Baldwin* near the *Oxford-Arms* in *Warwick-Lane*.

THE

CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY

AT THE

QUARTER SESSIONS

Held for the

County of Chester,

On the 25*th* Day of *April*, 1693.

LONDON,
Printed for *Richard Baldwin* near the *Oxford-Arms* in *Warwick-Lane*, 1694.

BIBLIOTHECA BODLEIANA

THE

CHARGE

Of the Right Honourable

HENRY

Earl of *WARRINGTON*,

TO THE

GRAND JURY, &c.

GENTLEMEN,

'TIS a very common Saying, that Intereſt will not lie; and yet, if you conſider it, you will find that there is ſcarce any thing more difficult than to perſuade People to their Intereſt: a thing mightily to be wiſhed, becauſe if it were univerſally underſtood and practiſed, it is the

thing of all others, that will make this World a happy Place.

For then there would be no need of Laws and Magiſtrates to preſerve Peace and Good Order, by reaſon that every Man would be reſtrained by that Law within himſelf, which is the Foundation of all other Laws, I mean that Principle of Reaſon and Juſtice with which he is born.

But when Man fell from his primitive Innocency, he loſt that Guide which ſhould happily have conducted him through this World; and inſtead of following the Dictates of his Reaſon, he ſuffered himſelf to be led away by his Paſſions; and without any regard to Juſtice made his Self-Intereſt the Standard of his Dealings with others, which is the direct way to ruin that which he aimed at: for if a Man acts without regard of Juſtice to others, he hath little reaſon to expect that Juſtice ſhould be done him: For why ſhould he imagine that others ſhould take care to do him Right, who hath no other Conſideration but for himſelf? So that in point of Intereſt as well as Juſtice, every Man

Man ought to have a mutual Regard to the Good of each other: but becauſe it is ſo entirely neglected, therefore were Laws made to withhold Men from committing thoſe Acts of Injuſtice and Violence, which their own Conſciences tell them ought not to be done.

From this depraved Inclination do proceed all thoſe Diſturbances and Diſorders that infeſt any Government, and have often been fatal to the whole Conſtitution; there having at all Times, and in all Places, been found thoſe who have been diſpoſed to ſacrifice their Liberties and Civil Rights, to ſerve the Deſires and Luſts of Arbitrary Princes.

'Tis ſurely a great Sickneſs of the Mind, when a Man gives up his Birth-right in exchange for ſomething elſe that depends upon another Man's Breath; and he muſt be beſides his Wits, who little eſteems his Liberty, which is the thing that chiefly diſtinguiſhes him from a Beaſt: for when a Man is a Slave, he muſt ſubmit his Will and Reaſon to the Humour of him who governs

him; and then what Difference is there between him and a Brute, only that his Condition is the worſe of the two?

If no Body but themſelves were to feel the Effects of their Servile Compliances, the Matter would not be much if they periſhed by their own Folly: For why ſhould they expect to thrive better than *Eſau* did, who ſold his Birth-right to ſave his Life, and therefore inſtead of a Bleſſing received a Curſe? For can they who reject God's Mercies hope to entail a Bleſſing upon their Poſterity? Theſe are the ſowre Grapes that ſet the Childrens Teeth on edg; for though the Father may be ſo fortunate as to go to his Grave in his Prince's Favour, (a Happineſs to which few have attained, who have purchaſed it by being falſe to their Country) yet it is a dangerous Experiment for their Poſterity, to whom there is ſeldom left any thing more than to inherit the Wind.

Now if the Miſchief of this Time-ſerving had ended with this ſort of Men and their Poſterity, the Complaints againſt it might

might have been buried with them and their Families; for his Infamy ought to be had in remembrance ſo long as the Sun and Moon endure, who is the Inſtrument of his Country's Ruin: for by this Treachery have whole Kingdoms been brought to Deſolation, which were before in a flouriſhing Condition; as namely, where Juſtice was duely executed, full Imployments for all Hands, a quick Trade, no ſort of complaining in the Streets; but every Man ſate with Security and Pleaſure under his own Vine.

This is ſo deplorable a Change as no Tongue is able to expreſs; then let every Man conſider it in his own Thoughts, and he will diſcover how valuable a thing his Liberty is, even preferable to any thing elſe this World affords. For Liberty is the Foundation of Vertue and Induſtry; What doth any thing elſe ſignify without it? For when that is gone, as our Lives and Fortunes depend upon another Man's Pleaſure, ſo we hold our Religion as precariouſly; becauſe a Prince can impoſe upon Slaves what Religion he pleaſes. *France* is ſo pregnant an

Inſtance

Inſtance of this, that it puts the thing out of diſpute: for whilſt the *Proteſtants* kept their Liberty, all was well with them; yet no ſooner was that wreſted out of their hands, but it was quickly ſeen what became of their Religion. And therefore I have always thought that they began at the wrong End, who reckon themſelves out of all other Danger, whilſt they enjoyed the Exerciſe of their Religion.

It will not be denied but that Liberty is a great Security to the free Exerciſe of Religion: but if our Civil Rights are aſſaulted, I do not ſee by what means Religion can reſcue them out of violent Hands; becauſe there are many Inſtances where Religion has been uſed as a Stalking Horſe to introduce Slavery. For did ever any Man pretend to have a greater Concern for the Church than *Charles* the Second? and yet no Man more deſigned the Ruin of the Nation than he did: which Example may occaſion the People to ſuſpect ſome Deſign upon their Liberties, when the Prince pretends the greateſt care for Religion, unleſs he be a Man of great Morality, and that Religion appears in his Life and Practice, as well as in his Words

Words and Promiſes; for it is ſcarce poſſible to enſlave a free People by down-right Force, and therefore they muſt be gulled out of their Liberties by Art and under-hand Practices; and there cannot be a better Blind than a pretended Care for Religion, to keep the People from obſerving what is deſigned againſt them.

So that if any thing is worthy of their Care, it is their Liberty; and in doing ſo, you do the Part of Loyal Subjects and good Chriſtians: whereas by the neglect of it you expoſe every thing that is valuable; and you alſo lay a Snare in the Way of your Prince, by tempting him to think of that which otherwiſe might not have come into his Thoughts. And this Care is never to be neglected, not even when every thing goes to their Hearts Deſire, leſt whilſt you ſpeak Peace to your ſelves, there comes upon you ſudden Deſtruction; for a Deſign is more likely to take effect when People ſuſpect no ſuch thing, than when they ſtand upon their guard.

There are many ways of working People up into a Security, of all which Promiſes are the moſt fatal; for without Performance they become

come Snares; and therefore it is upon Actions, and not upon Words, that a wiſe Man will ground his Belief or Opinion. Conſider what is done, and not what is ſaid: For whoever he be that is ſo wicked as to have a Deſign of enſlaving the Nation, he will ne'r make a Difficulty of promiſing very largely.

If then we ought to take care of our Liberty, how ridiculous is it to talk of ſerving the Crown, when by that is meant to make the King's Will and Pleaſure the meaſure of their Obedience? It muſt be a meer nonſenſical Boaſt to talk at that rate, when they have ſtript themſelves of the Means of ſerving like rational Creatures; for when Men have given up their Liberty, what does all their Service to the Crown differ from that of a Beaſt? The Service that we do to our Prince ſhould be like that which we render unto God, not a forced and conſtrained, but a free and reaſonable Service.

So that I think I may ſay, that he who hopes to recommend himſelf to his Prince's Favour by ſuch a piece of Service, muſt needs be a very profligate Wretch, and believe his Prince to be alto-

altogether ſuch a one as himſelf; for ſuch a Deſign is altogether unlawful, becauſe it is deſtructive to the Nature and very End of Government, contrary to the King's Coronation Oath, inconſiſtent with Reaſon, and a Violation of that Truſt and Confidence which the People repoſe in the King: For, as I take it, the Power that is lodged in the Crown is only a Truſt, and nothing more; for he muſt have that Power either as a Truſt, or as a Property; and if he hold it as a Property, then no Bounds or Limits can be ſet to it, and he may uſe it as to him may ſeem moſt meet.

What will Laws then ſignify? To what purpoſe is the Coronation Oath, and all thoſe other Cautions that are taken to oblige the King to govern according to the Laws and laudable Cuſtoms of the Realm?

Then every Prince that hath been *depoſed* for committing Violences and Oppreſſions, was highly injured, for there could be no other Standard of Right and Wrong, but that of his Will and Pleaſure. But it is a common Practice to depoſe Kings, when they become a Burden to the People; that being the proper

and only Remedy in ſuch Caſes. For let any Man tell me if he can, whether the Liberty that remains in the World, hath been, or can be preſerved by any other means than by that Power that is veſted in the People, of laying aſide ſuch Kings whoſe Adminiſtration becomes exorbitant: for the Number of ill Kings hath ſo much exceeded that of the good Ones, that Liberty had been even before this Day ſwallowed up by Prerogative without ſome ſuch check and controul; and becauſe ſo very much Good or Hurt is in the Power of the Prince, therefore the Value of a good Prince is ineſtimable.

To be delivered out of the Hands of an oppreſſing King is a great Mercy; yet when ſuch a Prince is put into the Hands of any People, it is ſeldom improved as that Mercy ought to be: for *Tacitus* makes this Obſervation upon the Fall of *Nero*, that the firſt Day after the Reign of a Tyrant is always the beſt. This is a great Truth, and a Rule that yet hath no Exception.

For this ſeveral Reaſons may be given: for generally the People are ſo tranſported upon being eaſed of their Burden, that they neglect

to

to make ſuch Proviſions as are neceſſary to prevent the like Irregularities for the future; either from a Belief that no other Man will be wicked to the like Degree, or elſe from the fond Opinion that they conceive of him who was the chief Inſtrument of their Deliverance; truſting that the ſame Principle of Honour and Juſtice that incited him to ſtand up in their Defence, will prompt him to do all thoſe things that are needful to ſettle the Government upon a laſting Foundation: which was ſomething our Caſe upon the Reſtoration of King *Charles* the Second, only with this difference, that inſtead of repairing the Breaches which his Father had made, the miſtaken Loyalty of the Age helped to make them wider.

Another Reaſon for *Tacitus*'s Obſervation may be this, Becauſe he that is the chief Inſtrument of their Deliverance, although he appeared very zealous on their behalf, yet he aimed at nothing but getting the Crown; as it was when the *Dauphin* of *France* came over to aſſiſt the Barons againſt King *John*: his Declaration was full of nothing elſe but the *Engliſh* Liberties; and yet it afterwards appeared, that his Deſign in aſſiſting them was only to get

into the Throne, and not to eaſe the Nation's Oppreſſions: So that in ſuch Caſes a Revolution does the People no good; for he that hath got the Crown, thinks that whatſoever is done for the Good and Security of the People, is ſo much Loſs to him of what he hoped to get by coming over.

A third Reaſon may be this, Becauſe he may preſume upon the good Opinion the People have of him, ſuppoſing that they will put the beſt Conſtruction upon all he doth, and look upon thoſe things to be but Miſtakes, and the Conſequence of the want of true Information, which are the Reſults of a formed Deſign.

Or elſe, Becauſe he may imagine, that although he doth to a great degree act over the Part of him who was thruſt out of the Throne, yet the People will not feel the Laſh ſo ſenſibly becauſe it comes from his hand. This, whenever it happens, is a Thing of ſo foul a Complexion, that it deſerves as ill a Name as can be given it, and yet I fear there do not want Examples of it.

It is a Miſtake, and a dangerous one too, to conſider the Perſon more than the Thing that is done; as if the Perſon made the Thing better or worſe than it otherwiſe would be: Men

——indeed

indeed differ from one another, and yet do the ſame thing in different Ways and Manners; but yet every thing is ſtill the ſame, whoever he be that doth it. If there be any difference, it lies in this, that the better Reputation he hath who doth any thing that is ill, ſo much the greater is his Reproach, eſpecially if it be a Thing that he hath reproved and puniſhed in another. This judging the Thing by the Perſon, is that by which Men commonly deceive themſelves ſo very much, or elſe they would make a righter Judgment than for the moſt part they do.

How happy is that Prince then whilſt he is on this ſide the Grave, and how glorious will be his Memory, who is not afraid or ſhy even to have his Actions examined, that Mankind, as well as his own Conſcience, may bear him teſtimony, that he governs according to Law, and makes the Good of his People the End of his Government?

Before I proceed any further, I would be rightly underſtood in what I have already ſaid; becauſe poſſibly either through Miſtake or through Malice, ſome may infer; that I would perſuade you to take more care of your Liberties, than of your Religion, by reaſon that I have ſaid ſo much of the former: But far be

ſo,

ſo Atheiſtical a Thought from me, I bleſs God it never yet entered into my Heart: although I am not ſo Religious as I ought to be, yet I think our Religion to be more valuable than any other thing whatever; for if God ſhould take away the Light of his Goſpel from us, it would be the ſevereſt Judgment that he could viſit us with: and therefore I have preſſed you to take care of your Liberty, as the ſureſt Means by which you can preſerve your Religion; and in ſo doing, I conceive I have ſhewn a Zeal for, rather than a Neglect of it.

It is to be wiſh'd by all thoſe who deſire the Peace of their Country, that Religion were more in faſhion among us than it is; for no Nation did ever thrive where it was neglected, and it is to be feared that God will have a Controverſy with this Land, if Swearing and Drinking, which are now become ſo common, be not ſpeedily ſuppreſſed, and the corrupt Manners of the Nation reformed.

But before I ſpeak more particularly upon them, give me leave to obſerve ſomething to you upon two Things which are very injurious to Religion, and yet are done out of a pretended Care and Tenderneſs for it.

The first is, when Protestants break into several Sects, and distinct Congregations, and not being content with worshipping God in their own Way, are uneasy at all others who follow not with them: Every one being so assured that they are not mistaken, that they will not allow any but themselves to be in the Right, and therefore leave the excellent Rule of Charity, to follow a blind Infallibility.

'Tis true indeed, whilst we are upon Earth we shall have different Sentiments and Opinions, and it is not possible for us to help it, because our Reason is too short-sighted and purblind; but yet we may all agree to have a mutual Charity for one another, and then every Man will be the better for his Religion, and no Body will be the worse for it: For otherwise, instead of promoting Religion, we eat out the Bowels of it; that is, we destroy that Charity, without which we cannot enter into the Kingdom of Heaven: But, alas! it is come to this, that one is for *Paul*, another for *Apollos*, and another for *Cephas*. One asks of such a one, Is he a true Son of the Church of *England*? A Second enquires, Whether he is of such a Congregation? A Third demands to know if he follows such a Man? If so, all is

well,

well, and with them he must pass for a good Man, without examining into his Life and Morals.

But what doth all this amount to? Am I the better for being of such a Man's Opinion, or of such a Communion, unless I am a Doer, as well as a Hearer of the Word? Or what is another Man the worse, because he is not of my Opinion, if he lives a better Life than I do?

This Zeal for a Party, is a Zeal rather to be reproved, than to invite others to the Practice of it; for it is not an Argument of Religion, but a Sign of Pharisaical Pride, when a Man is uneasy with another, because he worships God in a Way different from him: for if any Man desires to live as becomes the Gospel of Jesus Christ, and to that end doth daily try and examine himself, he will find himself to be more amiss therein, than he can discover in others; and therefore to lead a good Life is the best Argument that any Man can use to persuade another to be of his Opinion.

The next thing which is injurious to Religion, is, when the Discipline and Government of the Church interfere with the State; breaking into the Methods and Foundation of it,

it, to advance the Power and Greatneſs of the Clergy.

This ſoon becomes miſchievous to Religion: for as it doth in no ſort promote God's Glory, or tend to the Reforming of Mens Manners; ſo when the People find their Liberties crowded, to make Elbow-room for the Clergy, and that the Government of the Church will help to make them Slaves, they will be very apt to abhor the Offerings of the Lord.

And therefore in all well-regulated Conſtitutions, the Government of the Church is moulded according to the Principles upon which the Civil Government ſtands; for if the Church were to model the State, Chriſt's Kingdom would be of this World, which he hath expreſly told us it is not.

Are not that People then in a ſad Condition, when that which is amiſs in the State, muſt not be reformed, for fear of hurting the Church, as ſome do vainly pretend?

This I ſay, becauſe I am afraid it is ſomething our Caſe at this time, and ſo the Nation muſt languiſh, to ſatisfy the Imaginations of ſome People who are afraid of their Shadows.

For how the Church can be hurt by any Laws that concern the State, is not eaſily to be comprehended, if thoſe Laws eſtabliſh no o-

ther Goſpel than that which was delivered by our Saviour.

Nothing can hurt the Church but it ſelf, and it is never in more Danger than when it is in its greateſt Pomp and Grandeur.

The Deceit of this is very plain; Becauſe they that bawl moſt of the Danger that the Church is in, have the leaſt of Religion in their Lives: for thoſe who live, and underſtand better, ſee the Folly of it, as alſo of that Doctrine of Paſſive Obedience and Non-Reſiſtance, which many cried up as the Corner-Stone of the Church; a Burden which they were forward to lay upon other Peoples Shoulders, yet when it came to their own turn, none were ſo uneaſy under it as they: For when their Rights came to be touched, no Mens Mouths were ſo full of Liberty and Property as theirs; but now that the Storm is pretty well blown over, they are angry that that Liberty is granted to others, which yet they promiſed to conſent to, and are returned to where they were, in ſupporting that Arbitrary Doctrine. And to that End, they are inventing new Titles to the Crown for this King and Queen; which plainly demonſtrate what ſteady Men theſe are, ſince in the late Times they would not allow any Title to be

good

good but Succeſſion; yet now they can ſubmit to any other, how contrary ſoever to Succeſſion, provided they can thereby keep up this Arbitrary Doctrine, and get their own turns ſerved.

And firſt, They find out for this King and Queen a Title by *Conqueſt*.

I hope theſe Gentlemen are miſtaken: For if the Caſe be ſo, we are all Slaves; and inſtead of being rid of Arbitrary Power by this Revolution, we have helped to ſaddle and bridle our ſelves to purpoſe: for People that are conquered, hold all that they have at the Will and Pleaſure of him who did ſubdue them.

But how were we conquered? Did the Nation conquer it ſelf? if it did, it was an odd thing, and altogether wicked. Or who were conquered? not they who actually appeared in Arms againſt K. *J.* nor thoſe who wiſhed him ſome where elſe, and that was by much the greater part of the Nation.

This is ſo ſenſeleſs a Notion, that it only ſerves to diſcover the Ignorance or Knavery of thoſe who go about to maintain it: And I ſuppoſe we ſhall hear no more of it, becauſe the Lords and Commons in Parliament by an unanimous Vote have condemned it.

The next Thing talk'd of, is God's Ways of

Diſpoſing of Kingdoms; whence they would pretend, that the King and Queen received the Crown from God Almighty's immediate Donation.

It is Blaſphemy to exclude the Power of God in any caſe; and to exclude the People from having had an immediate Hand in beſtowing the Crown, is a new and unintelligible ſort of Politicks: for the Drift of this Notion is to make us Slaves, by reaſon that whatſoever is the immediate Act of God, and a Declaration of his Pleaſure, Man hath nothing more to do but to yield an entire Obedience and Submiſſion to it: ſo that when a King receives his Crown immediately from God, any Proviſions or Limitations that can be made by Men, come too late to circumſcribe his Power.

But is this our Caſe? Which way did God declare it that this Man ſhould reign over us? or who foreſaw upon what Head the Crown would be placed, till the Lords and Commons came to a Reſolution in it? and therefore it will follow, that the King and Queen received their Crown from the Hands of the People upon ſuch Terms as they gave it, and God hath not done any thing to exempt them from the Performance of thoſe Conditions.

However, there are thoſe who hoped to have made

made their Court to their Preſent Majeſties by ſtarting and maintaining thoſe two Notions, *viz.* of Conqueſt, and of God's Ways of diſpoſing of Kingdoms; with what Succeſs, I leave to every Man's Obſervation, and ſhall only ſay this, That it will be an happy Age when Kings are ſo much diſpoſed to the Good of their People, that ſuch Flatterers will meet with no Encouragement from them.

I come now to ſpeak of Swearing and Drinking: and I do believe that the horrible Profanation of God's moſt holy Name, was never ſo common as in this Age. That great and dreadful Name, before which we ought to fear and tremble, is uſed with more Familiarity than the meaneſt thing you can think of. It is a very unfortunate thing whenever we take the Name of God irreverently into our Mouths, altho it happen when we are under ſome Provocation; yet it adminiſters Cauſe for Humiliation, and a more narrow Obſervation of our ſelves for the future, but is in no ſort a Juſtification of us. Therefore to fill their Mouths with tremendous Oaths, when they are cool and in temper, and to ſwear in common Diſcourſe, is a dreadful Hearing: and really it is come to that paſs, that Men don't think they expreſs themſelves well and modiſhly, unleſs they interlard every Sentence

tence with an Oath or two; and that which is ſtrangely ridiculous, is, that ſome cannot ask another Man how he does, without wiſhing his own Damnation.

How this is to be remedied, is the Queſtion; for ſince it could not be prevented from going to the Height to which it is now got, it will be ſo much the more difficult to ſuppreſs it: for if in any Caſe it can be ſaid that the Number of Offenders is too big for the Law, it muſt be allowed to be ſo in this.

The Law hath provided very well for the Puniſhment of ſuch as offend herein, by the Statute of 21 *Jac.* 1. *c.* 20. to forfeit 12 Pence an Oath. If this were duly put in Execution, I am perſuaded it would work a great Cure; theſe cuſtomary Swearers would with more Warineſs open their Lips, when they found that their Oaths coſt them ſo dear: and I am the rather of this Opinion, becauſe I have obſerved that when a common Swearer is in the preſence of any Perſon whoſe Authority or Quality hath an Awe over him, ſcarcely an Oath ſlips from him, though he ſpeaks never ſo much.

And therefore it is very much to be wiſhed, that Magiſtrates would more ſtrictly inform themſelves of ſuch as offend herein, and give them that Puniſhment which their Offence deſerves.

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The next thing is the Sin of Drunkenneſs, which calls aloud for redreſs; it being now ſo common and univerſal, that People of all Ages, Sexes and Conditions, are infected with it to that degree, that it is become the Reproach of the Nation, which is now as remarkable for this Sin, as it was for the Excellency of our Government during the Reign of Q. *Elizabeth*: and it may be obſerved, that from the time that this Government began to decay, this beaſtly Cuſtom firſt took its Riſe; I mean, when Q. *Elizabeth*'s Eyes were cloſed: for from that time hath this Government declined, as if ſhe had been alone the Life and Soul of it; and that when ſhe died, it expir'd with her. For the firſt Statutes now in force for the puniſhing of Drunkenneſs, were made in the Reign of K. *James* the *1ſt*; and therefore it is more than probable, that till then this Vice was not grown up, to any conſiderable ſize at leaſt.

'Tis very ſtrange, that Men cannot enjoy one another without making their Converſation to become a Sin; and that when People meet to be merry, they think they have left their Work unfiniſhed, unleſs they transform themſelves into Beaſts: and ſo great a Force and Power it hath upon many, that they chooſe rather to be clothed with Rags, than to keep from the Spiggot; it hath brought many a Man to a Morſel of Bread, who

was

was well to live before he fell into that ſottiſh Courſe. It is not for want of a ſufficient Puniſhment that it is grown to ſo great a Height, for by the 4 *Jac.* 1. *cap.* 5. he that is drunk forfeits five Shillings, or for refuſal, or want of Ability to pay it, to be ſet in the Stocks ſix Hours: and for preventing of ſuch Intemperance, by the ſame Statute it is provided, That he who remains Tippling and Drinking in any Inn, Victualing-houſe, or Ale-houſe, ſhall forfeit 3 *s.* and 4 *d.* or be put into the Stocks for four Hours.

By the ſame Statute it is provided, That he who having been convicted of Drunkenneſs, ſhall be again convicted of the like Offence, ſhall be bound to his good Behaviour.

How the Law comes to lie aſleep I know not, for a Law without Execution is but ſo much Ink and Parchment: and I cannot imagine wherefore no more are puniſhed than there are, conſidering how vaſt a Multitude there be who offend herein; unleſs it be becauſe the thing is become ſo common, that People do not look upon it as an Offence; or elſe becauſe the Infection is ſo general that Men think it unreaſonable to have another puniſhed for that of which he is guilty himſelf.

But I am ſure there ought to be a Reformation, becauſe the Honour of God ſuffers ſo extreamly by

by it; and upon a Political Account it ought to be ſuppreſs'd, becauſe as whole Families are impoveriſhed and ruined by it, ſo Mens Bodies are enfeebled by it, and rendred unfit for Labour, and the Service of the Publick.

Inns, Ale-houſes and Victualing-houſes, are for relief of Way-faring Men and Travellers, and ſuch others as cannot otherwiſe ſupply themſelves with Meat and Drink; and not for harbouring of lewd and idle People, to conſume their Time and Money in Debauchery; as is declared by the Statute of 1 *Jac.* 1. *cap.* 9.

The Gains which are earned by relieving ſuch Perſons as the Law allows, are honeſt and juſtifiable; but a Curſe moſt foul and wicked what is now uſually gotten by Inns and Ale-houſes, who can ſuffer People to be drinking together in their Houſes till unſeaſonable Hours in the Night; nay, even on Sundays, and that too during the time of Divine Service and Sermons; and there to ſpend their Money and precious Time, when at the ſame time they know that their Families at Home are ſtarving for want of it.

Did Tippling Houſes conſider what a Risk they run, ſurely they would take more care; for when they receive their Licences to ſell Ale, they enter into a Recognizance with Sureties to keep good Order in their Houſes, as appears by the

Statute 1 *Jac.* 1. *cap.* 9. Every Inn-keeper, Victualler and Ale-houſe-keeper, forfeits ten Shillings that ſuffers any to ſet tippling in their Houſes except Travellers, or ſuch as have not the Convenience of Eating and Drinking elſewhere.

By the Statutes of 7 *Jac.* 1. *cap.* and 21 *Jac.* 1. *cap.* 7. 'tis provided, That any who ſhall offend againſt the ſaid Statutes, made againſt Tippling and Drinking, ſhall be diſabled for three Years from ſelling of Ale; and beſides, a Conviction in any of theſe Caſes, is a Forfeiture of the Recognizance which they enter into when they are licenſed to ſell Ale. Such Care hath the Law taken about them: But things are at that paſs now, as if Drunkenneſs were no Offence at all, or that there was no Law to puniſh it.

I cannot but obſerve to you, how Providence hath ordered things for the Puniſhment of Ale-ſellers almoſt in their own way; for though Quartering of Souldiers without Satisfaction to the Houſes is a very Illegal and Arbitrary Practice, yet it may in ſome ſort be juſtified as to them, they receiving thereby that Meaſure which they have meeted to others.

Theſe two Things, Gentlemen, I do the more eſpecially recommend to your Enquiry, becauſe they do ſo immediately concern the Honour of God, and the Peace and Happineſs of the Publick.

Beſides

Beſides them, whatſoever is an Offence againſt the Publick Peace falls within your Enquiry; and I believe you ſo well know them already, that I will not take up your time in repeating of them; nor will all that you, or any of us can do, ſignify much till Debauchery is ſuppreſs'd, and the Manners of the Nation are reformed.

Whilſt we bid God defiance with our Lives and Converſations, we cannot hope for Succeſs either in our Fleet or Army, let our Courage and Conduct be never ſo great, and tho the Supplies we gave to carry on the War were much greater than they are. And if we will not take warning in time, but go on from Sin to Sin, this War, by which we hope to ſecure Peace to our ſelves and our Poſterity, may prove our Ruin, by ſpinning it out ſo long, till the Purſes of the People are ſo drained, and the Nation ſo impoveriſhed, that it will be an equal choice whether we have Peace or War; being either way expoſed to the like Inconvenience.

There is ſome great Let or Hindrance lies in the way of our Happineſs; or elſe why do we at this Day ſtand looking upon one another, like the Sons of *Jacob*, as if we were at our Wits end, not knowing what to think or expect, notwithſtanding the great Deliverances that God hath wrought for us? For we have been wonderfully preſerved;

preſerved, but not by our own Wiſdom or Conduct; for we have made no other uſe of thoſe ſeveral Advantages which God hath put into our Hands, but as if we expected that he would repeat his Miracles to preſerve us.

Wherefore he hath ſo ſignally appeared on our behalf, no Man can determine, yet a Gueſs may be made: For if his Mercies have their proper Effect upon us, by returning us from the Evil of our Ways, he will then do more and greater things for us: but if we make him no other Return for all his Benefits, than that of an unthankful and hardned Heart, then hath he ſhewed theſe great Signs amongſt us, that he might be juſtified when he judges, and we be condemned out of our own Mouths; which God of his Mercy prevent.

And to that End let every Man do his Duty at all Times and in all Seaſons, and mind the Publick more than his own particular Advantage; let neither the Frowns nor Favour of Men, tho ne'r ſo great, draw us aſide, and then we ſhall ſee Peace in our *Iſrael*.

I doubt not, Gentlemen, but you will do your Parts; and therefore this is all I have to trouble you with at this time.

FINIS.